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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,899

09/10/2003

Michael L. Fripp

2003-IP-009956 U1 USA

5165

20558

7590

09/11/2006

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EXAMINER

THOMPSON, KENNETH L

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/658,899

Applicant(s)

FRIPP ET AL.

Examiner

Kenneth Thompson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 9, 13, 14, 19, 20, 22-24, 28-56 and 58-72 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 73-79 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 10, 11 and 21 is/are rejected.
- 7) ☒ Claim(s) 12, 15-18, 25-27 and 57 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Hall et al., U.S. 5,295,397.

Regarding claim 1, Hall et al. discloses a flow passage (at 22 and 24), a flow region (at 23 and 25) in communication with the flow passage; a tool (27) operative in conjunction with fluid in the flow region; and multiple flow restrictors (col. 3, lines 55-68) in the flow passage, the flow restrictors influencing fluid flow from the passage to the region.

Claim 1-3 and 8 are rejected under 35 U.S.C. 102(a) as being anticipated by Wilson, U.S. 2,960,109.

Regarding claims 1-3, Wilson discloses a flow passage (within 51), a flow region (within 52), a tool (57) operative in conjunction with fluid in the flow region; and multiple

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flow restrictors or annular shaped projections (60,54) in the flow passage, the flow restrictors being operative to influence flow from the passage to the region.

As to claim 8, Wilson discloses the flow restrictors (60,54) form alternating fluid expansion (within 53) and contraction (at 55 and 59) regions.

Claim 1, 10, 11 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Tubel et al., U.S. 5,839,508.

Regarding claims 1, 10, 11 and 21, Tubel et al. discloses in figure 12 a flow passage (below 146), a flow region (24), an electrical power generator tool (42) operative in conjunction with fluid in the flow region; and multiple radially continuous spaced apart flow restrictors or annular shaped projections (90) in the flow passage, the flow restrictors being operative to influence flow from the passage to the region.

Regarding claims 1, 10 and 11, Tubel et al. discloses in figure 1A a flow passage (at 16B), a flow region (above 146), an electrical power generator tool (94) operative in conjunction with fluid in the flow region; and restrictors (31) blocking multiple radial areas of the flow passage, the flow restrictors being operative to influence flow from the passage to the region.

***Allowable Subject Matter***

Claims 73-79 are allowed.

Claims 12, 15-18, 25-27 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

5 September 2006

  
KENNETH THOMPSON  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600

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